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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,562	11/28/2003	Koichi Kaga	PTGF-03082 HIR.082	4987
21254	7590	04/20/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/722,562	KAGA ET AL.	
	Examiner	Art Unit	
	Jason M. Han	2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. <u>2/22/2005</u> .                                   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/11/2004</u> .                                                           | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to Independent Claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Critelli et al. (U.S. Patent 4959761).
3. With regards to Claim 1, Critelli discloses an LED lamp including:
  - An LED [Figure 1: (16)] comprising a pair of terminals [Figure 1: (50, 52)];
  - A holder [Figure 1: (28)] to which the LED is attached, and further including an insulating material [Figure 1: (12)]; and
  - A radiation unit that comprises two metallic radiation plates [Figure 1: (18, 20)] that each surround at least three outer surfaces of the holder and are attached to the holder while being insulated from each other [Figure 1: (76)], whereby each of the radiation plates comprised a contact portion [Figure 1: (60, 66)] that contacts the pair of terminals of the LED being attached to the holder and a power receiving terminal [Figures 1 & 4: (56, 62); Column 4, Lines 56-61].

4. With regards to Claim 2, Critelli discloses each of the radiation plates [Figure 1: (18, 20)] being a C-shape that has a fitted portion [Figure 1: (58, 64)] on one end and the contact portion [Figure 1: (60, 66)] on another end, whereby the holder has a pair of grooves where one of the pair of grooves [Figure 4: (58, 64)] receives the fitted portion and the other receives the contact portion [Figure 4: (47)].

5. With regards to Claim 3, Critelli discloses the contact portion including a spring [Column 3, Lines 37-38].

6. With regards to Claim 5, Critelli discloses the holder including an attachment section [Figure 4: (43)] for attaching the holder to another member [Figure 4: (14)] on the end at which the LED is attached.

7. With regards to Claim 7, Critelli discloses the LED including a main lateral emission direction [parallel to Figure 4: (47)] that is approximately perpendicular to the center axis of a light-emitting element [Figure 4: (49)] comprising the LED.

8. With regards to Claim 8, Critelli discloses at least one of the metallic radiation plates [Figure 1: (18, 20)] radiating heat away, which is inherent of electrical conductivity. It should further be noted that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987)

9. With regards to Claim 9, Critelli discloses a substantial portion of at least one of the two metallic radiation plates [Figure 1: (18, 20)] surrounds the respective side of the outer surface of the holder.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Critelli et al. (U.S. Patent 4959761) as applied to Claims 1 and 5, respectively above, and further in view of Takano et al. (U.S. Patent 5558543).

11. With regards to Claim 4, Critelli discloses the claimed invention as cited above, but does not specifically teach each of the radiation plates including an aperture in a side surface, and the holder comprising a protrusion to be engaged to the aperture in attaching the metallic radiation plate to the holder.

Takano teaches a radiation plate [Figures 1-2: (7)] having an aperture on a side surface thereof [Figures 1-2: (8)], and a holder [Figures 1-2: (9)] having a protrusion [Figures 1-2: (4)] to be engaged into the aperture in attaching the radiation plate to the holder.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the LED lamp of Critelli to incorporate the metallic radiation plates with an aperture that engages a protrusion on the holder, as taught by Takano [Column 3, Lines 57-60], in order to provide a strong attachment.

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12. With regards to Claim 6, Critelli discloses the claimed invention as cited above, but does not specifically teach the another member including a reflector to converge light.

Takano teaches a holder having an attachment section [Figures 1, 3, 4, 6, 7: top side of the holder] for attaching the holder to a reflector [Figures 1, 3, 4, 6, 7: (P)] where a light source is disposed [Column 3, Line 64 – Column 4, Line 10].

It would have been obvious to modify one ordinarily skilled in the art at the time the invention was made to modify the LED lamp of Critelli to incorporate the reflector of Takano in order to provide greater efficiency and control of the illumination [e.g., converging the light].

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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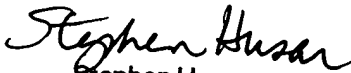
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (4/8/2005)

  
Stephen Husar  
Primary Examiner